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\* Application for leave to appear pro  
hac vice for this case made by Motion on  
February 11, 2008 pursuant to Local Civil  
Rule 1.3(c).

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

X

**TOM OGNIBENE, et al.,**

*Plaintiffs,*

**-against-**

**C.A. No. 08 CV 01335 (LTS) (TDK)**

**SCHWARZ, et al.,**

*Defendants.*

X

**DECLARATION OF MICHELE RUSSO**

I, Michele Russo, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am employed by Davidoff Malito & Hutcher LLP as a secretary. I am over  
eighteen years of age and my statements herein are based on personal knowledge.

2. Davidoff Malito & Hutcher LLP provides, among other services, lobbying services for its clients. Mr. Davidoff, for whom I work as a secretary, is a registered lobbyist.

3. I am subject to the lower contribution limits imposed by section 3-703(1-a) of the Code because I am employed by a lobbyist as his secretary.

4. I intend to contribute to the candidate(s) of my choice in the 2009 election cycle. I would like to be able to contribute up to the higher contribution limits set by section 3-703(1)(f) of the Code. I would do so but for the lower limits imposed by section 3-703(1-a) of the Code and my inclusion under those limits by section 3-702(16) of the Code.

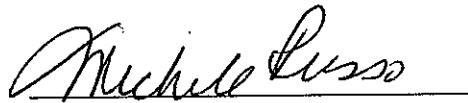
5. I would also like for my contribution(s) to candidates who participate in public financing to be matchable, so that my contributions are as helpful to the candidate(s) of my choice as are the contributions of other people. However, my contributions are specifically excluded from being matched by section 3-702(3) of the Code.

6. Sections 3-702(3) and 3-703(1-a) deprive me of my constitutional rights under the First and Fourteenth Amendments to the United States Constitution. I will suffer irreparable harm if their enforcement is not enjoined. I have no adequate remedy at law.

7. Because candidates are currently raising funds for the 2009 election, it is imperative that the Court grant relief immediately. Every day that passes without judicial relief is another day that my First and Fourteenth Amendment rights are impermissibly burdened.

8. I declare under penalty of perjury that the foregoing statements in this declaration are true and correct to the best of my knowledge, information, and belief.

Executed on April 9, 2008.

A handwritten signature in cursive script, reading "Michele Russo", written over a horizontal line.

Michele Russo  
30 A Jennifer Place  
Staton Island, NY 10314